

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ILLINOIS UNION INSURANCE COMPANY)	CIVIL ACTION
as subrogee of CITY OF LAWRENCE)	
)	NO.04-10475 MLW
Plaintiff,)	
)	
v.)	
)	
THE VIKING CORPORATION)	
)	JURY TRIAL DEMANDED
Defendant.)	

AMENDED DISCOVERY CONFERENCE REPORT

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties have conferred regarding proposed amended discovery dates. The parties respectfully submit the following proposed amended discovery plans.

(1) **Rule 26 Disclosure.** Plaintiff made its initial disclosure, under Rule 26(a)(1) on August 3, 2004. Defendant provided, or offered to provide, all information and documents required by the voluntary disclosures, in its responses to Plaintiff's interrogatories and request for the production of documents served on December 1, 2004.

(2) **Interrogatories and First Request for Production of Documents.** Defendant served its First Set of Interrogatories and its First Request for the Production of Documents to Plaintiff on January 12, 2005 and response and production was to be completed by February 28, 2005. While Plaintiff has answered and continues to supplement its production and answers and expects to complete them shortly, Plaintiff has experienced unanticipated difficulties obtaining all of the necessary information and/or documents to complete its response and production to such requests. As such, the parties agree that Plaintiff's response and production shall be completed on or before May 1, 2005. The parties further agree that as a result of this amended completion date, all remaining dates in this report shall each be amended and moved forward by three months to

give the parties sufficient time to meet each deadline. The parties also represent that this expetentsion will not prejudice any party and will aid in the just, speedy and inexpensive disposition of this action. *See* Fed.R.Civ.P Rule 1.

(3) **Amendment.** The parties agree the Complaint may be amended to add parties until June 15, 2005. The parties agree that if the complaint or answer is substantially amended that the deadlines set forth herein may need to be reconsidered.

(4) **Fact Discovery.** Fact discovery be completed on or before July 29, 2005, except that Requests for Admissions may be filed up to and including November 1, 2005. Further, the parties believe, at this time, that they will not need to take more than 10 depositions each, exclusive of expert witnesses.

(5) **Experts.** Plaintiff's trial experts will be designated and preliminary disclosure of information contemplated by Fed. R. Civ. P. Rule 26, for the purposes of mediation shall be provided no later than August 15, 2005, and designation and disclosure be made by the defendant no later than October 14, 2005. In the event that this matter is not resolved through mediation, the parties will serve final expert reports consistent with the requirements of Fed. R. Civ. P. Rule 26 on or before January 16, 2005.

(6) **ADR/Mediation.** ADR/Mediation, either through the court sponsored program or a private mediator, will be completed on or before November 1, 2005.

(7) **Expert Depositions.** All expert depositions shall be completed on or before February 28, 2006.

(8) **Dispositive Motions.** All dispositive motions shall be filed on or before March 16, 2006.

(9) On February 15, 2005, this Court entered an Order concerning the process to preserve the confidentiality of certain information as stipulated and endorsed by the parties.

Respectfully submitted,

Plaintiff Illinois Union Insurance Company
as subrogee of City of Lawrence,
By Its Attorneys,

/s/ James P. Cullen, Jr

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Dated: April 25, 2005

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Respectfully submitted,

Defendant Viking Corporation
By Its Attorneys,

/s/ Gina M. McCreadie

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Dated: April 25, 2005